

REMARKS

Upon entry of the present amendment, claims 1 and 7 will have been amended while claims 16 and 17 will have been canceled. Additionally, new claims 20 and 21 will have been submitted for consideration by the Examiner.

Accordingly, in view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection set forth in the above-mentioned Official Action together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

In the outstanding Official Action, the Examiner rejected claims 1, 3, 4, 7, 9, 10 and 12-15 under 35 U.S.C. § 102(e) as being anticipated by MUTZE (U.S. Patent No. 6,072,529). Applicant respectfully traverses the above-noted rejection.

In the "Response to Arguments", the Examiner asserted that MUTZE enables concurrent compound movement by tilting the image sensor about axis a_x and axis a_y at the same time. Applicant respectfully traverses and submits that the Examiner is incorrect. MUTZE is configured to provide independent and discrete motion about the a_x axis and about the a_y axis. However, such motions are each independent and distinct from each other and are controlled by a different actuator. While, by appropriate manipulation of the various actuators, the image sensor may be able to be moved relative to the optical axis in at least two orthogonal planes, such action is not concurrent compound movement but is rather a mere combination of discrete movements about each of the axes independently.

At least for this reason, Applicant respectfully submits that the Examiner's rejection of the claims pending in the present application is inappropriate and should be withdrawn.

In the outstanding Official Action, the Examiner identified claims 5, 6 and 16-19 as being objected to for being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

By the present Response, and without in any manner acquiescing in the propriety of the Examiner's rejection, Applicant has, merely in order to advance the prosecution of the present application towards allowance, incorporated the recitations of claims 16 and 17 into claims 1 and 7, respectively. Accordingly, at least in accordance with the Examiner's indication, these claims are now allowable. An action to such effect is respectfully requested in due course.

In indicating the allowability of the subject matter of claims 5, 6 and 16-19, the Examiner set forth reasons for the indication of allowable subject matter. In this regard, while Applicant does not necessarily disagree with any of the features enumerated by the Examiner, Applicant further wishes to point out that each and every independent claim in the present application defines a particular combination of features and that the patentability of each independent claim is also based upon the totality of the particular features recited therein, rather than upon any one feature individually. Accordingly, the reasons for allowance should not be limited to those features enumerated by the Examiner.

By the present Response, Applicant has also submitted several additional claims for consideration by the Examiner. These claims are submitted to define over the reference cited by the Examiner in the present application.

In this regard, claim 20 defines, inter alia, that the tilting/swinging mechanism enables concurrent compound movement of the image pick-up device in at least two orthogonal planes without changing a focus condition of the photographing lens. It is respectfully submitted that MUTZE does not teach, disclose nor render obvious the combination of features recited in Applicant's claim 20.

Applicant notes that MUTZE is directed to an electronic camera that is provided to achieve sharp focusing of a selected object area. To do so, an image sensor is provided with five degrees of freedom. It is respectfully submitted that movement of the image plane with all five degrees of freedom is an essential component of ensuring a sharply focused image, which is the prime goal of the MUTZE invention. Accordingly, there would be no teaching, disclosure, or any motivation for the modification of MUTZE, to provide a device that provides concurrent compound movement without changing a focus condition of the photographic lens. Since changing the focus condition of the lens to obtain a sharply focused image is an expressly set forth primary goal of MUTZE, there is clearly no motivation for modifying MUTZE to eliminate this feature. Accordingly, it is respectfully submitted that Applicant's claim 20 is clearly patentable over the MUTZE reference relied upon by the Examiner.

By the present Response, Applicant has further submitted claim 21 which defines, inter alia, the swinging/tilting mechanism as enabling concurrent compound movement by relative sliding motion between a first surface, secured to the image pick-

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up element, and a second surface, secured to the camera body. It is respectfully submitted that the provision of concurrent compound movement in at least two orthogonal planes by sliding motion between two surfaces is not possible with the structure of MUTZE. Accordingly, claim 21 is submitted to be allowable over the reference of record in the present application.

In view of the above, Applicant respectfully requests reconsideration of the outstanding rejection, consideration of newly submitted claims 20 and 21, together with an indication of the allowability of all of claims 1, 3-15 and 18-21. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has rewritten two objected to claims into independent form to obtain the allowance of these claims without in any way acquiescing in the propriety of the Examiner's rejection asserted against the independent claims.

Applicant has further submitted two additional claims for consideration by the Examiner and has pointed out the significant and substantial features thereof which define over the reference cited by the Examiner. Applicant has also discussed the disclosure of the reference and has pointed out the shortcomings thereof with respect to the claims pending in the present application.

Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

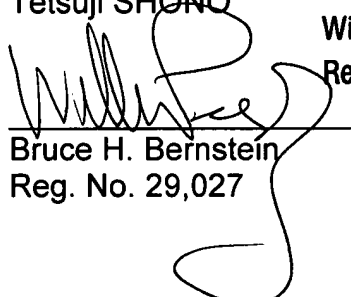
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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